



GTP/US 3183

CERTIFICATION OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Kpl Asl
Signature

July 11, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 09/917,541 Confirmation No. 9996
Applicant : Katrin Reisinger
Filed : July 27, 2001
Title : Mailing Machine and Initialization Method
Group Art Unit : 3621
Examiner : Daniel L. Greene

Docket No. : GTP/US 3183
Customer No. : 24131

REPLY BRIEF

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r :

This is a *Reply Brief* responding to the *Examiner's Answer*
mailed May 11, 2005.

Arguments:

Appellant comments as follows with respect to the Examiner's Answer dated May 11, 2005:

Appellant maintain its previous argument that, absent impermissible hindsight reconstruction, there is no motivation in either U. S. Patent No. 6,424,954 to Leon "(LEON)" or U. S. Patent No. 6,557,104 to Vu et al ("VU") to combine those references to arrive at Appellant's claimed invention. More particularly, there is no motivation in LEON or VU to add a method or apparatus for secure processing of cryptographic keys, as taught in VU, to the postal system of LEON.

On page 3 of the Examiner's Answer, it is stated:

"Leon discloses the system components as per the prior Office Action except for the removable authorization device. However, Leon does disclose as per Col. 37, lines 48 - 50, that the Secure Meter Device (SMD) can further include an input interface circuit that couples to an input element. The input element can be a switch, a push button, a key, or the like. The Examiner submits that teaching of the use of an external input element provides the motivation/bridge to incorporate the use of a dongle and/or cryptographic key stored on a token as taught by the second reference Vu in the prior 103 Office Action."

Appellant respectfully disagrees with the above statement from the Examiner's Answer. More particularly, Col. 37 of LEON, lines 48 - 50 does not provide motivation to provide, among other limitations of Appellant's claims, a removable authorization device, authorization from which is necessary

for initialization of the mailing machine, as required by Appellant's claims 1 and 18. Initialization, in the context of claims 1 and 18, is explained in the specification of the instant application. For example, paragraph [0012] describes initialization as follows:

"Initialization is understood as meaning a routine for the input of initialization data taking place on one occasion at the single point of entry of the destination country before the machine is put into operation. For this purpose, a means of authorization is brought into operative connection with the mailing machine and is designed as an easily exchangeable electronic hardware unit (dongle or chip card). The latter is connected to the mailing machine either directly or indirectly via a data source, for example a personal computer PC. The mailing machine, for example a franking machine, has an unremovable program memory with an initialization program and a postal security module (postal security device or secure accounting device), which is designed as a means of checking the authorization of the input of initialization data. The latter takes place, when there is authorization, directly by using the keyboard of the franking machine or indirectly via the PC or laptop or from a data center into the meter or security module. The means of authorization, i.e., the authorization device, is brought into operative connection with the meter via interfaces of the PC or the machine. "

For example, paragraph [0007] of the instant application states:

"The object of the present invention is to provide a mailing machine which overcomes the above-noted deficiencies and disadvantages of the prior art devices and methods of this general kind, and which is provided with a ROM module with an initialization program, initialization data being introduced in a secure manner into the mailing machine via an externally accessible interface, so that unauthorized

initializing is prevented. It is further intended that a secure method will manage without exchanging the ROM module and permit authorized initialization."
[emphasis added by Appellant]

The section of LEON cited in the Examiner's Answer as motivating a combination of LEON with VU to, allegedly, teach Appellant's claimed invention has absolutely nothing to do with initializing the mailing machine, as does the removable authorization device of Appellant's claims. Rather, Col. 37 of LEON, lines 48 - 50, read in the entire context of lines 47 - 60, reads as follows:

"Referring back to FIG. 2A, SMD 150 can further include an input interface circuit 236 that couples via signal line 237 to an input element 238. Input element 238 can be a switch, a push button, a key, or the like. When input element 238 is activated (i.e., by pushing on a print control key), SMD 150 of metering device 110a performs the Indicium transaction. SMD 150 generates an indicium having a predetermined value and directs printer 152 to dispense the indicium. SMD 150 updates its revenue registers when the indicium is generated. SMD 150 generates the indicium when requested and as long as the funds in the revenue registers are sufficient to cover the indicium value. Otherwise, the metering device can indicate a failed Indicium transaction via, for example, a blinking light emitting diode (LED)." [emphasis added by Appellant]

As such, the input element 238 of LEON, cited by the Examiner as the motivation to combine LEON with an external "authorization device" as claimed by Applicants, does not relate to providing an authorization, based upon which the mailing machine is initialized, as required by Applicants' claims, but, rather, is merely a push button or key used for

printing the indicium (i.e., the postage slip). The input element 238 of LEON has nothing to do with authorizing initialization (i.e., as defined in the instant specification) of the postal machine of LEON, as is required of the removable authorization device of Appellant's claims, but merely is used to print the frank, and thus, cannot be said to provide the motivation alleged by the Examiner.

Rather, the LEON reference describes a "funding transaction" which is performed when the indicium register is zero (i.e., no more funds are available for printing an indicium) which is allegedly closer to Appellant's claimed initialization. For example, , col. 37, lines 32 - 39 of LEON discloses a "funding transaction" described as follows:

"In the stand-alone mode, the metering device is capable of printing as many indicia (i.e., of a predetermined value) as allowed by the funds stored in the SMD. Once the SMD has expended the funds stored in its revenue registers, it can be loaded with additional funds by performing another Funding transaction. The metering device can then be re-coupled to the host PC for this Funding transaction, and disconnected again after the Funding transaction."
[emphasis added by Appellant]

Although described in connection with the embodiment that uses the input element 238, cited by the Examiner, the input element 238 of LEON is not used in the funding transaction. Rather, the teaching in col. 37, lines 48 - 50 of LEON, read in its entire context, merely provides a motivation for

providing a push button or key to print franks (i.e. indicium), which must only necessarily occur after a funding transaction (arguendo, "initialization") has been completed.

As such, Appellant respectfully traverses the allegation in the Examiner's Answer that there is motivation in LEON for Appellant's particularly claimed authorization device.

Further, on page 4 of the Examiner's Answer, it is alleged that:

"The Appellant further argues that Leon is initializing a security module, not the mailing machine as recited in the instant claims. The Examiner submits that the mailing machine has a security module/section that must be initialized before it can function. The kind or type of equipment/machine that is initialized does not render an invention original, unique or non-obvious. The method incorporated to initialize a piece of equipment/machine is what is being presented and addressed in the prior Office Action."

However, as stated above, Appellant maintains that the LEON reference does not teach or suggest an authorization device, upon which initialization is based. The printing of an "indicium" (i.e., frank or mailing slip) of LEON does not entail "initialization", as claimed by Appellant.

Further, on page 5 of the Examiner's Answer, it is stated that:

"In reference to the Appellant's statement that, ' . . . there is no 'clear and particular teaching or suggestion in Leon to incorporate the features of Vu . . . ' the Examiner submits that Leon's [sic] discloses the use of an input element that includes a switch, a key or the like. Col. 37, liners 34-48 [sic]. Vu teaches about a type of key that could be used."

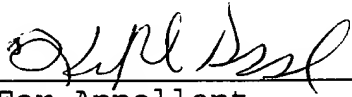
As discussed above, Appellant respectfully disagrees that LEON provides the alleged motivation. The input element of LEON is unrelated to initialization of the mailing machine, as required by Appellant's claims 1 and 18, but is merely used to print out the "indicium". As such, Appellant believes that LEON truly fails to provide the alleged motivation for combining LEON with VU, to disclose Appellant's invention of claims 1 and 18.

Appellant further realleges and incorporates herein the arguments made in its Appeal Brief relating to claims 1, 18, 4, 24 and 26.

Based on the above given arguments the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Applic. No. 09/917,541
Response Dated July 11, 2005
Responsive to Office Action of May 11, 2005

Respectfully submitted,



For Appellant

Kerry P. Sisselman
Reg. No. 37,237

July 11, 2005

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101